

66793 U.S. PTO
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PATENT

65705 U.S. PTO
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08/69713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Fred H. Rumpf et al.** Paper No.

U.S. Serial No.: **(File Wrapper Continuation
of 08/625,163)** Group Art Unit: 1511

Filed: **Examiner: Cain, E.**

Title: **ELASTOMERIC COMPOSITIONS AND METHODS AND
APPARATUS PRODUCING SAME**

**REQUEST FOR FILING A PATENT
APPLICATION UNDER 37 C.F.R. §1.62**

Assistant Commissioner for Patents
BOX 313B
Washington, DC 20231

RECEIVED

NOV 17 1997

Sir:

**Office of Patent Publication
Director's Office**

This is a request for filing a continuation application under 37 C.F.R. 1.62 of prior application **Serial No. 08/625,163**, filed on **April 1, 1996** entitled **Elastomeric Composition and Methods and Apparatus for Producing Same** by the following inventors:

Full Name Of Inventor: **Melinda Ann Mabry**

Residence: **65 Algonquin Road**

Citizenship: **U.S.A.**

Post Office Address: **65 Algonquin Road, Newton, Massachusetts, 02167**

(FWC of U.S.S.N. 08/625,163)

(Page 1)

Full Name Of Inventor: Frederick Harry Rumpf

Residence: Five Copley Place

Citizenship: U.S.A.

Post Office Address: Five Copley Place, Billerica, Massachusetts 01821

Full Name Of Inventor: Ivan Zlatko Podobnik

Residence: Seven Foxglove Court

Citizenship: Canada

Post Office Address: Seven Foxglove Court, Nashua, New Hampshire 03062

Full Name Of Inventor: Scott Adrian Westveer

Residence: 65 Lakeshore Drive North

Citizenship: U.S.A.

Post Office Address: 65 Lakeshore Drive North, Westford, Massachusetts 01886

Full Name Of Inventor: Allan Clark Morgan

Residence: 101R Old Essex Road

Citizenship: U.S.A.

Post Office Address: 101R Old Essex Road, Manchester, Massachusetts 01944

Full Name Of Inventor: Bin Chung

Residence: 12 Deacon Drive

Citizenship: U.S.A.

Post Office Address: 12 Deacon Drive, Nashua, New Hampshire 03063

Full Name Of Inventor: Malcolm John Andrews

Residence: 3112 Rolling Glen

Citizenship: U.S.A.

Post Office Address: 3112 Rolling Glen, Bryan, Texas 77801

The above-identified prior application in which no abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned under 37 CFR §1.62(g) as of the filing date of this new application. The issue fee had been paid in the above-identified prior application, however, pursuant to MPEP §609 at B(4) applicant requests that the Office consider the concurrent filing of a Petition for Withdrawal from Issue Pursuant to 37 C.F.R. §1.313(b)(5) as sufficient grounds to waive the requirement that this application under 37 C.F.R. §1.62 be filed before payment of the issue fee.

Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. Enter the amendment previously filed on under 37 C.F.R. 1.116 in the prior application.
2. A Petition for Withdrawal From Issue Pursuant to 37 CFR § 1.313(b)(5) is attached in connection with the above-mentioned prior application U.S.S.N. 08/625,163.
3. This application is being filed by less than all the inventors named in the prior application. The Commissioner is requested under 37 C.F.R. § 1.62(g) to delete the names of the following persons from the prior application who are not the inventors of the invention being claimed in this application:

(FWC of U.S.S.N. 08/625,163)

(Page 3)

FOR:	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	RATE	OTHER THAN A SMALL ENTITY FEE
BASIC FEE	-----	-----	\$ 790	\$ 790.00
TOTAL CLAIMS	30 - 20	10	x 22 =	\$ 222.00
INDEP CLAIMS	4 - 3	1	x 82 =	\$ 82.00
0 MULTIPLE DEPENDENT CLAIM PRESENTED			\$ 270	\$.00
				Total \$1,094.00

3. Please charge **Deposit Account No. 19-0733** in the amount of \$1,094.00. A duplicate copy of this sheet is enclosed.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-0733**. A duplicate copy of this sheet is enclosed.
- [X] Any additional filing fees required under 37 CFR 1.16.
- [X] Any patent application processing fees under 37 CFR 1.17.
5. The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. **19-0733** A duplicate copy of this sheet is enclosed.
- [X] Any patent application processing fees under 37 CFR 1.17.
- [X] Any filing fees under 37 CFR 1.16 for presentation of extra claims.
6. A new oath or declaration in compliance with 37 C.F.R. §1.63 is included since this application is a continuation-in-part which discloses and claims additional matter.
7. Amend the specification by inserting before the first line the sentence:

This application is a continuation of application Serial No. 08/625,163, filed April 1, 1996.

8. A verified statement claiming small entity status under 37 § CFR 1.9 and 2.7 was filed on is enclosed.
9. Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119(a)-(d).
10. The prior application is assigned of record to Cabot Corporation.
11. A Power of Attorney appears in the prior application U.S.S.N. 08/625,163.
- Address all future communications to the undersigned. (May only be completed by applicant, or attorney or agent of record.)

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Respectfully submitted,
Fred H. Rumpf et al



Peter D. McDermott
Attorney for Applicants
Banner & Witcoff
Ten South Wacker Drive
Chicago, IL 60606
617-345-9100
Reg. No. 29,411

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR § 1.10 in an envelope addressed to Assistant Commissioner for Patents, **BOX 313B**, Washington, D.C. 20231 on the date indicated below, **Express Mail Label No. EI546175174US**.

November 13, 1997

Date of Signature

By 
Stephen A. Nikolits

(FWC of U.S.S.N. 08/625,163)

(Page 5)



U.S. PTO

11/17/97

95,1417B

OFC of Publication

BATCH NO. N97

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fred H. Rumpf et al	Paper No.
U.S. Serial No.:	08/625,163	Group Art Unit: 1511
Filed:	April 1, 1996	Examiner: Cain, E.
Title:	ELASTOMERIC COMPOSITIONS AND METHODS AND APPARATUS PRODUCING SAME	

Assistant Commissioner for Patents
BOX 313B
Washington, DC 20231

RECEIVED

**PETITION FOR WITHDRAWAL FROM ISSUE
PURSUANT TO 37 CFR § 1.313(b)(5)**

NOV 17 1997

Office of Patent Publication
Director's Office

Sir:

Applicants hereby petition that the above referenced application be withdrawn from issue pursuant to 37 CFR § 1.313(b)(5) for the purpose of abandonment in order to permit the consideration of an information disclosure statement pursuant to 37 CFR § 1.97 in a continuation application filed pursuant to 37 CFR § 1.62 concurrently herewith.

Applicants submit that this petition should be granted in order to allow consideration of the documents submitted in the above referenced information disclosure statement.

The undersigned requests a collect telephone call if all requirements of 37 CFR §1.313(b)(5) have not been met by this submittal.

The Commissioner is hereby authorized to charge the \$130.00 fee required under 37 C.F.R. §1.17(i) and any additional fees that may be required in connection with this Petition or credit any overpayment to **Deposit Account No. 19-0733**. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
Fred H. Rumpf et al



Peter D. McDermott
Banner & Allegretti, Ltd.
Ten South Wacker Drive
Chicago, IL 60606
(617) 345-9100
Reg. No. 29411

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(U.S.S.N. 08/625,163)

Page 2



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No.

PETER D. MCDERMOTT
CHIEF INTELLECTUAL PROPERTY COUNSEL
CABOT CORPORATION
157 CONCORD ROAD
BILLERICA, MA 01821

COPY MAILED

NOV 21 1997

**OFFICE OF
PATENT PUBLICATION**

In re Application of :
Melinda A. Mabry, et al. :
Application No. 08/625,163 :
Filed: April 1, 1996 :
Attorney Docket No. 95.1417 :

This is a decision on the petition filed November 17, 1997 to withdraw the above-identified application from issue pursuant to the provisions of 37 CFR 1.313 (b) (5).

The petition is granted.

Petitioner requests that the above-identified application be withdrawn from issue to permit its abandonment in favor of a continuing application concurrently filed with this petition.

The application is withdrawn from issue. The abandonment is hereby recognized.

The application will be processed as an abandoned application and forwarded to Group 1511.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-5254.


Karna Cooper
Paralegal Specialist
Office of the Director
Office of Patent Publication



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No.

Date November 21, 1997

TO : Director, Office of Patent Publication

FROM : Office of the Assistant Commissioner
for Patents

SUBJECT : Withdrawal from Issue of

Applicant : Melinda A. Mabry, et al.
Application No. : 08/625,163
Filed : April 1, 1996

The above - identified application has been assigned Patent No. 5,700,854 and an issue date of December 23, 1997.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above - identified application is published in the OG of December 23, 1997:

"All reference to Patent No. 5,700,854 to Melinda A. Mabry, et al. of Ma.,
for ELASTOMERIC COMPOSITIONS AND METHODS AND APPARATUS
FOR PRODUCING SAME appearing in the Official Gazette of December 23, 1997,
should be deleted since no patent was granted."

The application will be processed and forwarded to Group 1511.


Karna Cooper
Paralegal Specialist
Office of Patent Publication
Office of the Director

cc: Geraldine Dozier, Crystal Park 3-441
Deneise Boyd, Crystal Park 2, Suite 1100
Nancy Hurd, Crystal Park 3-910
Tony Farmer, Crystal Park 3-910



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Paper No.

PETER D. MCDERMOTT
CHIEF INTELLECTUAL PROPERTY COUNSEL
CABOT CORPORATION
157 CONCORD ROAD
BILLERICA, MA 01821

COPY MAILED

NOV 21 1997

**OFFICE OF
PATENT PUBLICATION**

In re Application of :
Melinda A. Mabry, et al. :
Application No. 08/625,163 : DECISION ON PETITION
Filed: April 1, 1996 :
Attorney Docket No. 95.1417 :

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Karna Cooper
Paralegal Specialist
Office of the Director
Office of Patent Publication



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Office of Patent Publication
Office of the Director

cc: Geraldine Dozier, Crystal Park 3-441
Deneise Boyd, Crystal Park 2, Suite 1100
Nancy Hurd, Crystal Park 3-910
Tony Farmer, Crystal Park 3-910